

OFFICIAL COPY

Fresno, California

February 12, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Father Perry, St. Paul Newman Center Catholic Church, gave the invocation and a student from Central High School led the Pledge of Allegiance to the Flag.

PRESENTATION OF AMERICAN LEGION CANINE AWARD - COUNCILMEMBER DUNCAN

Presentation made.

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The City Council recessed at 8:39 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF FEBRUARY 5, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of February 5, 2002, approved as submitted.

(“A”) AWARD A CONTRACT FOR INSTALLATION OF SITE IMPROVEMENTS ON EXISTING PARKING LOTS AT BROADWAY AND FRESNO STREETS, AND STREETSCAPE ON KERN STREET BETWEEN “G” AND “H” STREETS (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the staff report as submitted, recommended approval, and upon question of Chair Duncan stated this was part of the stadium streetscape project.

Barbara Hunt, 612 “F” Street, spoke in support.

Member Ronquillo commended staff for their work and efforts and made a motion to approve staff’s recommendation.

On motion of Member Ronquillo, seconded by Member Castillo, duly carried, RESOLVED, a contract hereby awarded to Steve Dovali Construction in the amount of \$515,068.90 for installation of site improvements on existing parking lots at Broadway and Fresno Streets, and streetscape on Kern Street between “G” and “H” Streets, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) CONTINUED HEARING TO CONSIDER ACTIONS RELATING TO THE PROPOSED DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER AND RELATED PARKING AND LANDSCAPING ON PROPERTY GENERALLY BOUND BY FRESNO, HOWARD, ILLINOIS AND DIVISADERO STREETS WITHIN THE REGIONAL MEDICAL CENTER CAMPUS **(JOINT ACTIONS)**

1. APPROVE AMENDMENT NO. 1 TO THE 1995 DEVELOPMENT AGREEMENT AND LAND SALE DOCUMENT BETWEEN COMMUNITY MEDICAL CENTER, THE AGENCY AND THE CITY

2. JOINT RESOLUTION NO. 2002-56/1598 - APPROVING THE AGREEMENT FOR TRANSFER AND DEVELOPMENT OF PROPERTY (AGREEMENT) BETWEEN THE AGENCY, CITY AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER WITHIN THE REGIONAL MEDICAL CENTER CAMPUS, AND MAKING CERTAIN FINDINGS

3. AUTHORIZE AGENCY AND CITY STAFF TO NEGOTIATE AND EXECUTE ANY OTHER DOCUMENTS NECESSARY TO CARRY OUT THE AMENDMENT AND THE TRANSFER AGREEMENT INCLUDING, WITHOUT LIMITATION, ESCROW INSTRUCTIONS, GRANT DEEDS, AND RELEASE OF REVERTER/MODIFICATION OF DEED COVENANTS

Chair Duncan announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun recused himself due to a potential conflict of interest and left the meeting at 8:42 a.m. Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, stated all funding was in place, and entered into the record a technical correction in the report changing the name *Fresno Community Hospital and Medical Center* to *Community Hospitals of Central California*.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and Chair Duncan closed the public hearing.

Councilmember Ronquillo commended hospital officials and Agency staff, commented on funding efforts and spoke in support of the project stating this was a great project and was going to be a fine facility with a potential for 5,000 jobs, and made a motion to approve staff’s recommendation. Chair Duncan also spoke in support and commented briefly on the progress in revitalizing downtown.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, Amendment No. 1 to the 1995 Development Agreement and Land Sale Contract between Community Medical Center, the Agency and the City hereby approved; the above entitled Joint Resolution No. 2002-56/1598 hereby adopted; and Agency and City staff authorized to negotiate and execute any other documents necessary to carry out the Amendment and the Agreement including, without limitation, escrow instructions grant deeds, and release of reverter/modification of deed covenants, by the following vote:

Ayes : Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : None
Recused : Calhoun

(“C”) JOINT RESOLUTION NO. 2002-57/1599 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES FOR DISCLOSURE FOR SUCH POSITIONS

Councilmember Calhoun returned at 8:48 a.m.

Barbara Hunt, 612 “F” Street, spoke to the issue.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Joint Resolution No. 2002-57/1599 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes : None
Absent : None

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The joint bodies adjourned their meeting at 8:49 a.m. and the City Council reconvened in regular session.

PROCLAMATION OF NATIONAL FFA WEEK - COUNCILMEMBER RONQUILLO

Read and presented.

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Councilmember Ronquillo left the meeting at 8:57 a.m. and returned later.

APPROVE MINUTES OF FEBRUARY 5, 2002

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of February 5, 2002, hereby approved, *as amended*, on Page 139-70, Item 1A-1a.-1, showing Councilmembers Calhoun and Castillo voting “Aye” instead of “No”.

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APPROVE AGENDA:

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, THE **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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Councilmember Boyajian briefly left the dais at 8:58 a.m.

ADOPT CONSENT CALENDAR:

(1A) * RESOLUTION NO. 2002-58 - 12TH AMENDMENT TO SALARY RES. 02-199 CREATING THE CLASS OF TRAFFIC MAINTENANCE WORKER I

(1B) DETERMINING THAT CENTRAL VALLEY BUSINESS FORMS IS NON-RESPONSIVE TO THE SPECIFICATIONS, AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH TWO ONE-YEAR EXTENSIONS TO FRESNO ENVELOPE IN THE AMOUNT OF \$40,399.22 FOR PRE-PRINTED ENVELOPES

(1C) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CHARLES BRADLEY IN THE AMOUNT OF \$127,259 FOR WATER WELL TEST HOLE DRILLING

(1D) AWARD A CONTRACT TO HEDRICK'S HALLOWELL CHEVROLET, INC. IN THE AMOUNT OF \$98,578.85 FOR FIVE NEW 3/4 TON TRUCKS

(1E) RESOLUTION NO. 2002-59 - CONTINUING RES. 01-337 PROCLAIMING A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE

(1G) APPROVE THE ACQUISITION OF AND ACCEPT THE GRANT DEED FOR A 0.70 ACRE PARCEL ABUTTING THE MAPLE/PLYMOUTH PARK SITE FROM WESTCAL, INC., AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS ON BEHALF OF THE CITY

(1H) RESOLUTION NO. 2002-60 - DEDICATING CERTAIN CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MAPLE AND ILLINOIS AVENUES FOR PUBLIC STREET PURPOSES

(1I) APPROVE AGREEMENTS WITH RNL DESIGN IN THE AMOUNT OF \$276,000 FOR A COMPRESSED NATURAL GAS (CNG) FUELING STATION AND BUS MAINTENANCE FACILITY REMODEL AT FRESNO AREA TRANSIT (FAX), AND AUTHORIZE THE CITY MANAGER/DESIGNEE TO SIGN THE AGREEMENTS ON BEHALF OF THE CITY

(1J) APPROVE AN AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC., IN THE AMOUNT OF \$292,170.00 FOR PLAN DESIGN AND GENERAL CONSTRUCTION DOCUMENTS FOR THE REHABILITATION/ RECONSTRUCTION OF THE WASTEWATER TREATMENT PLANT EFFLUENT DISTRIBUTION CANAL SYSTEM, AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1K) * RESOLUTION NO. 2002-61 - 81ST AMENDMENT TO AAR 01-200 APPROPRIATING \$45,100 FOR THE RAILING REPAIR OF THE MONTEREY STREET OVERHEAD BRIDGE

(1M) APPROVE A SERVICE AGREEMENT WITH A.E.C.P.M., INC., IN AN AMOUNT NOT TO EXCEED \$300,000 TO PERFORM INSPECTION SERVICES FOR THE SURFACE WATER TREATMENT PLANT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2A) * BILL NO. B-13 - AMENDING SECTION 2-1652.1 OF THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL PROVISIONS RELATING TO THE POLICE CADET CLASS

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-13 introduced before the Council and laid over, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

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Councilmembers Boyajian and Ronquillo returned to the meeting at 9:00 a.m.

(9:00 A.M.) APPOINT CITY COMMITTEE REGARDING RAIL CONSOLIDATION - PRESIDENT PEREA

Reviewed by President Perea who advised this committee would meet with the two railroad companies and begin the discussion of negotiations on how rail consolidation will occur and who would pay the cost and requested Council input. Acting President Castillo called upon other members whose districts would be affected to serve citing his heavy involvement in other committees but added he would serve if needed, and Councilmember Ronquillo spoke in support of the issue and requested those Councilmembers with the longer council terms consider serving. Councilmembers Calhoun and Castillo agreed to serve and President Perea requested the city manager's office schedule a meeting with the railroads to begin discussions.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Councilmember Calhoun and Acting President Castillo appointed to the City Rail Consolidation Committee to work with the City Manager and Mayor's office to negotiate the issue of rail consolidation with the affected railroad, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3A) AWARD A CONTRACT TO FURNISH AND INSTALL AN ARENA FALL ARREST SYSTEM

Assistant City Manager Souza gave a brief overview of the issue as contained in the staff report. Councilmember Calhoun stated he appreciated staff bringing the issue to Council's attention this way noting it was a little unusual and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, it is determined that Unistrut Corporation of Hayward, CA, is non-responsive to the specifications; the late submittal of answers to questions concerning warranty, technical support, training and installation around event schedules by Tritech Fall Protection of Phoenix, AZ, declared a minor irregularity as it does not give them a competitive advantage over another bidder and is in the best interest of the City; and a contract in the amount of \$96,003.36 to furnish and install an Arena Fall Arrest System hereby awarded to Tritech Fall Protection as the lowest responsive and responsible bidder, subject to not receiving any appeal by the end of the business day on February 12, 2002, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) PRESENTATION AND DIRECTION REGARDING THE CREATION OF A PUBLIC/PRIVATE PARTNERSHIP BETWEEN THE CITY OF FRESNO AND THE ZONE FOR A SPORTS/RETAIL FACILITY LOCATED AT CEDAR AND DAKOTA AVENUES - ACTING PRESIDENT CASTILLO

Briefly reviewed by Acting President Castillo who stated this would involve giving staff direction to begin discussions with The Zone group to work out deal points and the City floating bonds to acquire approximately 22 acres of soccer fields, a parking lot and some water features; advised The Zone was very committee to the project and to date had leased approximately one half of the entire retail area; and stated this was a win-win situation for the community as well as the investors and made a motion to direct staff to begin discussions with The Zone, which motion was seconded by Councilmember Duncan who spoke in support and to the benefits of the project stating it was much needed for the area.

Barbara Hunt, 612 "F" Street, spoke to the issue.

Extensive discussion ensued with City Manager Hobbs, Acting President Castillo, Controller Quinto and Assistant City Manager Souza clarifying issues and/or responding to questions, comments and/or concerns relative to whether the city manager had enough information to move forward and if he had any issues or concerns (with Mr. Hobbs stating he was comfortable with directing staff to continue exploring the issue but wanted it made clear there was no endorsement at this time until the city's obligations were known), concern with spending staff time/resources

if The Zone has not provided enough information, the project being looked at for some time and city staff already being involved and working with Acting President Castillo in the effort, Councilmembers Ronquillo and Boyajian speaking in support and recommending the Mello-Roos process and Parks and Recreation be looked at for funding **(2 - 0)**, if necessary staff was available to move forward, Ms. Quinto stating the project was very viable based on information provided by The Zone, staff's job being to protect the City's interests, the project being a \$35 million investment and the city's portion being approximately one third or \$12 million, bonds and if there was a ceiling on what the city can afford, Councilmember Quintero stating he was in support of the project but he also had projects in southeast Fresno for public/private partnerships, taking advantage of low bond rates to provide funds for other projects, the difference between The Zone project and other projects, if the city attorney would have to hire staff for this effort, the city's investment being needed infrastructure, and the need to budget funds to assist investors/entrepreneurs with inner-city projects.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to enter into discussions regarding the creation of a public/private partnership between the City of Fresno and The Zone for a sports/retail facility located at Cedar and Dakota Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:15 A.M.) REPORT AND DIRECTION REGARDING STREAMLINING OF PERSONNEL SERVICES

President Perea commended staff for following direction given last year and starting the process of thinking out of the box to streamline services and the city manager for leading the effort, and stated he wanted to see this go to the next level to provide names to departments quicker to provide necessary services. City Manager Hobbs stated human resources had limited staff and it seemed like they were always behind the eight ball in recruitment and commended staff for coming up with very productive ways to stretch the resources available. Assistant DAS Director Chavez gave a brief overview of the issue.

Barbara Hunt, 612 "F" Street, spoke to the issue.

President Perea reiterated he wanted to take this to the next level to rewrite and re-engineer the entire civil service system to make it more efficient and explained and questioned if staff was interested. Mr. Hobbs noted the Macias report hinted at making improvements across the board, advised he was interested and stated with Council's support he wanted to pull a work team together to start revisiting the code and find ways to speed up recruitment of qualified personnel stating he felt there were better ways to get the job done, and advised staff would come back to council with various code changes and periodic progress reports and added he was very excited about this opportunity. A motion and second was made to direct the city manager to move forward with a thorough review of the human resources system and how services are delivered. Councilmember Calhoun stated this was a very vague motion with City Attorney Montoy clarifying the motion was not intended to replace the civil service system as the Charter required a merit system but was about streamlining the code which staff had previously been directed to do and explained.

President Perea concurred he was not proposing any changes to the Charter-established civil service system or board but was meant for staff to think of different ways to streamline the administrative process and make it more efficient to recruit and get names to departments quicker. Upon question of Councilmember Calhoun Ms. Chavez stated she understood and was comfortable with the motion. Councilmember Duncan spoke in support of President Perea's comments and stated his specific concern was barriers to quickly bring in new fire and police officers by following an outdated procedure and he felt it was important to look at the old process. Mr. Hobbs stated staff would always be suggesting improvements and bringing them to Council, clarified this direction was meant to strengthen the merit principle and insure the city is able to move faster, and invited other parties such as labor representatives and the civil service commission, to give their views on what does and does not work well.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager directed to move forward with a thorough review of the human resources system and how services are delivered, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:30 A.M.) ANNUAL REVIEW AND ACCEPTANCE OF THE IMPACT FEE ANNUAL REPORT AS REQUIRED BY THE CALIFORNIA GOVERNMENT CODE

Assistant Public Works Director Holmes gave a brief overview of the issue and recommended the report be accepted.

Barbara Hunt, 612 "F" Street, spoke to the issue.

Councilmember Duncan spoke in support of staff's recommendation, noted the Building Industry Association was comfortable with the report, commented on the future of the UGM process and making it more accountable and commended staff on that issue, and made a motion to accept the report as recommended, which motion was seconded and acted upon after discussion.

Mr. Holmes, Councilmember Duncan, Controller Quinto and City Manager Hobbs clarified issues and/or responded to questions, comments and/or concerns of Councilmembers Calhoun, Ronquillo, Boyajian and Quintero relative to the UGM fund balance and if it was sufficient to pay developers who are owed money, updating UGM fees being the next step in the process, if updated fees were included in this report, when the fee update issue would come before Council, why staff was stating there was a year-end UGM balance of \$2.3 million, the annual report being at issue this date and not an audit, further clarifications on the report and an independent audit of the report **(3 - 0)**, commendations to staff on the report, the fee issue and if other cities were being looked at, linkage fees, timeline on bringing forth the fee adjustments, when development/processing fees were last adjusted, suggestion to look at how Clovis' annual fee adjustment process, and including the BIA in the fee adjustment process.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City of Fresno Impact Fee Annual Report for the fiscal year ended 6/30/01, hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:45 A.M.) COUNCIL CONSIDERATION AND ACTION TO REMOVE THE CLAUSE WHEREBY THE FRESNO VISITORS BUREAU AGREES NOT TO “SOLICIT” THE FILM INDUSTRY TO MAKE FILMS IN THE FRESNO AREA - COUNCILMEMBER QUINTERO

Reviewed by Councilmember Quintero who noted the request from Fresno County Counsel Phillip Cronin asking Council to take action to remove the subject clause as it interfered with current agreements the County had with the CVB, referenced the 11/8/01 minutes of the CVB wherein Deputy Mayor Montero stated the City was willing to amend the bureau agreement to state the CVB would not solicit the film industry to make films in the Fresno area using City funding, and requested the agreement be amended to reflect what was agreed upon.

Deputy Mayor Montero reviewed the history of the issue including the City’s funding of the CVB and the Mayor’s film commission, advised it was never the CVB’s intent to use any of their funds for a film commission and it was their contention all along that they were not funded as a film commission and did not want to be in the film commission business, advised he should not have stated at the CVB meeting that the City was willing to amend the agreement without knowing all the facts and apologized to Council, and commented on the Mayor conflict/FPPC issue and requested, until the FPPC ruled, that Council not take any action to remove the clause. Upon question of Councilmember Quintero, City Attorney Montoy stated Council had the authority to amend the contract.

Councilmember Quintero stated it appeared to him there should be no concern with removing the clause and made a motion to remove it from the agreement. Upon call, the motion died for lack of a second. Ms. Montoy and Councilmember Quintero responded to questions of Councilmember Ronquillo and/or clarified issues relative the contract specifying the “Fresno area”, the CVB technically being the state designated local film commission for the Fresno area, how much money was in the CVB’s account for the film commission, and how much Fresno County contributes to the CVB.

President Perea noted a second was not received on Councilmember Quintero’s motion yet Councilmembers still wanted to speak and questioned if discussion should continue, whereupon Councilmember Boyajian seconded the motion for discussion purposes. Lengthy discussion ensued. Mr. Montero, Ms. Montoy and City Manager Hobbs clarified issues and responded to questions of Acting President Castillo and Councilmembers Boyajian, Quintero, Duncan and President Perea relative to amount of the Mayor’s film commission budget, if it was the intent to retract some of the CVB’s funding if the Mayor’s film commission took over the role of soliciting the film industry (with Acting President Castillo stating to remove the clause just to remove it did not make sense without also taking away some funding), the issue being who has the ability/staffing to perform the film commission function, what the conflict was, what the relevancy of the motion was, what the city attorney’s recommendation was, Councilmember Quintero clarifying he brought the issue forward because it was an overall vote of the CVB to do so, recent successes of the city’s film commission in bringing film production to the entire Fresno area, need for collaboration, cooperation and welcoming of the City’s support and help, **(4 - 0)** need to put personal agendas aside and do what is best for Fresno, who production companies of shows such as the traveling antique road show would contact, expectation for more cooperation by the CVB and attention to the City’s concerns given the City’s \$830,000 funding contribution, general

fund money being in short supply next fiscal year, and Council's strong interest in the CVB and what it does for the community and the need to send that message to the bureau.

A motion of Councilmember Quintero, seconded by Councilmember Boyajian, to remove the clause whereby the Fresno Visitors Bureau agrees not to "solicit" the film industry to make films in the Fresno area failed, by the following vote:

Ayes	:	Quintero
Noes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Absent	:	None

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(10:00 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1L) ACCEPT THREE (3) "SAFE ROUTES TO SCHOOL" GRANTS FROM THE STATE OF CALIFORNIA
1. * RESOLUTION NO. 2002-62 - 79TH AMENDMENT TO AAR 01-200 APPROPRIATING \$118,500 IN STATE GRANT FUNDS FOR THE CONSTRUCTION OF THREE SAFE ROUTES TO SCHOOL PROJECTS AS FOLLOWS:

- a. JEFFERSON SCHOOL: CONSTRUCT SIDEWALKS ON MARIPOSA, BELMONT TO DIVISADERO - \$55,440 IN GRANTS AND \$6,160 IN LOCAL FUNDS = \$61,600 TOTAL
- b. HOMAN SCHOOL: INSTALL FLASHING SCHOOL CROSSING LIGHT AT CRYSTAL AND CLINTON - \$31,500 IN GRANTS AND \$3,500 IN LOCAL FUNDS = \$35,000 TOTAL
- c. MUIR SCHOOL: INSTALL FLASHING SCHOOL CROSSING LIGHT AT PALM AND DENNETT - \$31,500 IN GRANTS AND \$3,500 IN LOCAL FUNDS = \$35,000 TOTAL

Acting President Castillo stated his questions had been answered and made a motion to approve staff's recommendation.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the three (3) Safe Routes to School Grants hereby accepted and the above entitled Resolution No. 2002-62 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1F) APPROVE CITIZEN PARTICIPATION PLAN AND AUTHORIZE THE CITY MANAGER TO REQUEST CHANGE IN ANNUAL ACTION PLAN PROGRAM YEAR

NSD Analyst Huseby responded to questions of Councilmember Calhoun relative to Herndon City being designated as a CDBG area and staff's attendance at district meetings at a council member's request. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 612 "F" Street, spoke to the issue.

Mr. Huseby responded to additional questions of Councilmember Boyajian relative to changes to CDBG eligible areas and clarification on this being a plan only and not implementation.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Citizen Participation Plan as presented hereby approved and the City Manager authorized to submit a request to HUD to change the starting day of the program year to July 1st rather than July 15th as it currently is, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT RELATIVE TO THE WEST AREA MAP AND PRESIDENT PEREA/GENESIS CONFLICT OF INTEREST

Appearance made; no action taken.

APPEARANCE BY GLORIA TORREZ REGARDING OPPOSITION TO CONSENT CALENDAR ITEM “1I” RELATIVE TO COMPRESSED NATURAL GAS (CNG) FUEL STATION AND CONCERN WITH LACK OF PUBLIC HEARING ON THE ISSUE

Appearance made. Councilmember Boyajian commented briefly on the CNG issue and stated Council made a good vote. No action taken.

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RECESS - 11:20 A.M. - 11:30 A.M.

(10:00 A.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. DOUG SKAGGS V. CITY OF FRESNO, ET AL.
2. ONE POTENTIAL CASE - NAME UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY’S ADVANTAGE)
3. CITY OF FRESNO V. ALPHA HOUSE INC., ET AL
4. CITY OF FRESNO V. B.N.S.F.
5. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL. (P.R. FARMS)
6. CITY OF FRESNO V. JOHN R. COLEMAN, JR., ET AL.

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: CLAIM OF RENE M. LACENTRA

(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39**

(D) CONFERENCE WITH LEGAL COUNSEL -DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: ONE POTENTIAL CASE - NAME UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY'S ADVANTAGE)

(E) SPECIAL JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND REDEVELOPMENT AGENCY - CASE NAMES:

2. ONE POTENTIAL CASE - NAME UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY'S ADVANTAGE)

The City Council met in regular/joint closed session in Room 2125 at the hour of 11:30 a.m. and began consideration of the above items, broke for lunch at 12:00 noon, and reconvened in regular/joint closed session at 2:00 p.m. to consider the remaining issues.

(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**2. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU) - PRESIDENT PEREA**

(E) SPECIAL JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND REDEVELOPMENT AGENCY - CASE NAMES:

1. FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND CITY OF FRESNO V. PETER STRAVINSKI, ET AL. (1984 DEED FROM STRAVINSKI TO CITY OF FRESNO EQUIPMENT CORPORATION)

The above items "C-2" and "E-1" were not held.

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The City Council reconvened in regular open session at 4:22 p.m. with Councilmember Quintero absent for the remainder of the meeting.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of "B", the \$4 million claim of Rene M. Lacentra for personal injuries, the City Council voted to reject the claim in its entirety by a vote of 7 - 0.

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(11:00 A.M.) CONSIDER ISSUES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)

A. APPROVE AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT WITH PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE FYI AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT

B. APPROVE AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH DMJMH&N FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO CONSTRUCTION OF THE FYI AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT

C. RESOLUTION NO. 2002-63 - APPROVING THE EMERGENCY PURCHASE OF A SECURITY ACCESS CONTROL SYSTEM AT FYI AIRPORT WITHOUT ADVERTISED BIDDING AND AUTHORIZING EXECUTION OF DOCUMENTS

Airports Director Hayes gave a brief overview of the above issues as contained in the staff reports as submitted. An unidentified staff member responded to questions of Councilmember Calhoun relative to the security system and if there were any guarantees the new system would work, whereupon Councilmember Calhoun made a motion to approve the three issues.

Extensive discussion ensued with Mr. Hayes, Assistant City Manager Souza, DAS Director Esquivel and City Attorney Montoy clarifying issues and/or responding to questions, comments and/or concerns of Councilmembers Boyajian, Ronquillo, Duncan and Castillo relative to whether items A and B were the first major change orders in the project, the project's contingency account, funding source for the change orders, how the costs would be recaptured, if the project was 50% completed, if the delays were due to the complexities of the project, if the concourse was going to be a unique facility, commendations to staff, need to save contingency funds, why this project was struggling and the stadium project was moving along so well, the proposed design/build approach charter amendment for public works projects and if a lot of the issues would have been resolved if that approach had been in place, need for the charter amendment to pass and the airport project being a poster child for the amendment, a perceived lack of accountability and responsibility in the City of Fresno, the amendments being necessary to complete the work, sending a wrong message to the two companies if the agreements are extended, if negotiations had taken place the both companies, concern with putting Council in this position and with bringing in Mr. Esquivel's and Mr. Allred to "babysit" the project, **(5 - 0)** and Acting President Castillo stating he would not support the motion unless Item C was bifurcated from A and B. Councilmember Boyajian further clarified the differences between the stadium and airport projects and relative to the subject issue stated Council could criticize and make the issue more spectacular but staff was doing the best they could and seconded the motion on the floor. Councilmember Ronquillo briefly commented on the accountability issue and stated someone needed to be held responsible for the problems and delays or the City would continue to have these problems.

President Perea concurred the project needed to be completed but stressed there was a need for accountability adding if people had done their job right from the beginning there would not have been this additional \$1 million in costs, commented on the knowledge that there was going to be problems in the beginning and expressed his concern, and presented questions relative to what the structural issues were, what Mr. Esquivel's and Mr. Allred's roles were in the process, how Mr. Allred's role differed from Parsons Brinckerhoff's (PB), why staff was not injected in the process at the front end, what PB's role was with President Perea stating it sounded like Mr. Allred was doing what PB should be doing, and if the issue was heading to litigation and if there was anything the city attorney needed to cover, with Mr. Severo, Mr. Allred and Ms. Montoy responding and clarifying issues. President Perea stated he would not support the motion and would not reward the behavior of the people involved.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve staff's recommendations on Items **A**, **B** and **C** was approved by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo
Noes	:	Castillo, Perea
Absent	:	Quintero

Mr. Souza advised the resolution, **Item C**, required five affirmative votes and recommended it be bifurcated from **A** and **B**.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, reconsideration of the 11:00 A.M. Item hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, **(A)** Amendment No. 5 to the agreement with Parsons Brinckerhoff for additional construction management services for the Terminal/Concourse Project at the Fresno Yosemite International Airport hereby approved, subject to FAA approval, and the Public Works Director and Director of Transportation authorized to sign the amendment on behalf of the City; and **(B)** Amendment No. 4 to the agreement with Daniel, Mann, Johnson, Mendenhall, Holmes & Narver for additional design services for the Terminal/Concourse Expansion Project at the Fresno Yosemite International Airport hereby approved, subject to FAA approval, and the Public Works Director and Director of Transportation authorized to sign the amendment on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo
Noes	:	Castillo, Perea
Absent	:	Quintero

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-63 **(C)** hereby adopted, and the Directors of Transportation and Public Works authorized to execute all documents and instruments necessary to implement the authorities granted hereunder, subject to prior approval by the Purchasing Department and City Attorney's Office, by the following vote:

Ayes	:	Boyajian, Calhoun Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:07 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 26th day of February, 2002.

Henry Perea, Council President

ATTEST:

Yolanda Salazar, Assistant City Clerk

